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Attorneys for Defendant
 6 PORTFOLIO LENDING, INC., and
 DONALD KUNG, an individual
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10

11 COLONY INSURANCE COMPANY, a Virginia
 Corporation,

12 Plaintiff,

13 vs.

14 PORTFOLIO LENDING, INC., DONALD
 15 KUNG, an individual, and SAM LEONETTI, an
 individual,

16 Defendants.
 17

CASE NO. 10-CV-00740-SC

**STIPULATION TO SET ASIDE
 DEFAULT AND ~~PROPOSED~~ ORDER**

18 The parties to the above entitled action hereby stipulate by and through their respective
 19 counsel of record herein that:

20 1. On April 8, 2010, Plaintiff Colony Insurance Company personally served a copy
 21 of the Summons and Complaint upon Defendants Portfolio Lending, Inc., and Donald Kung
 22 (hereinafter collectively referred to as "Defendants").

23 2. On May 11, 2010, Plaintiff served a Request to Enter a Default against the
 24 Defendants.

25 3. The Parties hereby stipulate to set aside the default entered against Defendants.

26 4. The Parties hereby stipulate that Defendants shall file a responsive pleading
 27 within 20 calendar days after Colony provides notice that the Court has set aside the default.
 28

1 The undersigned respectively have the authority to execute this Stipulation and bind the
2 respective parties hereto.

3 DATED: August 11 2010

CHARLSTON, REVICH & WOLLITZ, LLP

4
5 By: 

6 ALAN H. LAZAR
7 Attorney for Plaintiff COLONY
INSURANCE COMPANY

8 DATED: August 13, 2010

YARON & ASSOCIATES

9
10 By: 

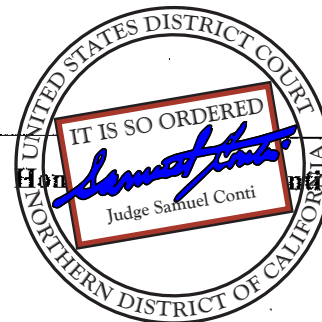
11 GEORGE D. YARON
12 HENRY M. SU
13 MATTHEW A. ZAVALA
14 Attorneys for Defendants Portfolio Lending,
Inc., and Donald Kung, individually

15 IT IS HEREBY ORDERED THAT:

16 The Default entered against Defendant Portfolio Lending, Inc., and Donald Kung is
17 hereby set aside and vacated. Defendant Portfolio Lending, Inc., and Donald Kung shall file a
18 response to the Complaint within 20 calendar days following service of written notice of this
19 Order.

20
21 DATE: August 24 2010

22 By: 



CERTIFICATE OF SERVICE

I am over 18 years of age and not a party to the within action. I am employed in the County of San Francisco; my business address is **Yaron & Associates, 601 California Street, Suite 2100, San Francisco, California 94108.**

On **August 17, 2010**, I served the within:

STIPULATION TO SET ASIDE DEFAULT AND [PROPOSED] ORDER

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

TO ALL PARTIES ON THE ECF SERVICE LIST

*** VIA ELECTRONIC SERVICE:** I served a true copy, with all exhibits, electronically on designated recipients through PACER. Upon completion of electronic transmission of said document(s), a receipt is issued to serving party acknowledging receipt by PACER's system. Once PACER has served all designated recipients, proof of electronic service is returned to the filing party which will be maintained with the original document(s) in our office. This service complies with CCP §101.6.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on **August 17, 2010**, at San Francisco, California.


MARISELA H. NAVARRO

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